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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,430	02/11/2004	Chris Togami	15436.12.2.1	2880

22913 7590 09/02/2004

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EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,430

Applicant(s)

TOGAMI ET AL.

Examiner

Brigitte R. Hammond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities: in line 7, after "as" insert - -to- -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaio et al. 5,901,263. Gaio et al. discloses a transceiver module 2 for use in a communications network, the module comprising: a cable receptacle (at 10) that is capable of receiving one or more cable connectors; a movable pivot lever 104 having a locking member 104', the pivot lever configured to allow removal of the module from within a host port, wherein movement of the pivot lever manipulates the locking member in a manner so as to disengage the module from within the host port.

Regarding claim 7, Gaio et al. discloses an optical transceiver module 2 having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals, the module comprising: a fiber optic cable receptacle 10 that is capable of receiving one or more fiber optic cable connectors; and a movable pivot lever 104 having a locking member 104' ,

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the pivot lever configured to allow removal of the module from within a host port, wherein movement of the pivot lever manipulates the locking member in a manner so as to disengage the module from within the host port.

Regarding claims 2 and 8, the moveable pivot lever is shaped so as to prevent the manipulation of the locking member when a fiber optic cable connector is disposed within the fiber optic cable receptacle.

Regarding claims 3 and 9, Gaio et al. further comprises a biasing member 102 that biases the moveable pivot lever in a locked position.

Regarding claims 5 and 11, the moveable pivot lever is a cantilevered portion of a housing of the transceiver module.

Regarding claims 4 and 10, the movable pivot lever pivots about a pivot point (inherently).

Regarding claims 6 and 12, the movable pivot lever has a free end that "can be" directly manipulated by a user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaio et al. in view of Applicant's Admitted Prior Art (AAPA) as discloses on pages 1-4 of the instant Application. Gaio et al. discloses the invention

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substantially as claimed. Gaio et al. discloses a fiber optic transceiver module comprising: a housing portion containing a printed circuit board 8 having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals; and a moveable pivot lever 104, wherein movement of the moveable pivot lever disengages the module from within a host port and exertion of a pulling force on the moveable pivot lever permits the module to be withdrawn from the host port. Gaio et al. does not disclose the connector being a SFP type module. However, SFP type modules are well known in the art as Evidenced by AAPA. AAPA disclose on page 3, lines 2-12 that SFP type modules have been a standard since 1998. Therefore, it would have been obvious to one of ordinary skill to modify the module of Gaio et al. by making the module a SFP type module to insure interoperability between different manufacturers products as taught by AAPA.

Regarding claim 14, the moveable pivot lever disengages the module from within a host port by manipulating the pivot lever against a biasing force of a biasing member 102.

Regarding claim 15, Gaio et al. further comprises a locking member 104' configured to selectively engage the module within the host port, and wherein the locking member 104' is selectively disengaged by the movement of the moveable pivot lever.

Regarding claim 16, the moveable pivot lever is a cantilevered portion of a housing of the transceiver module.

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Regarding claim 17, the movable pivot lever is biased in a latched position, (see col. 3, lines 40-46).

Regarding claim 18, the pivot lever has a free end that "can be" directly manipulated by a user.

Conclusion

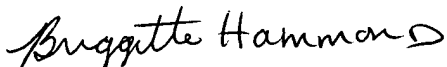
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Poplawski et al. 5,734,558, Ahrens et al. 6,494,623, Petereson et al. 6,430,053, Chiu et al. 6,692,159, Medina 6,556,445 and Branch et al. 6,371,787 were cited for similar modules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brigitte R. Hammond
Examiner
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August 30, 2004